



# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

CHECK BOX, if applicable

☐ DUPLICATE

(Only for Continuation or Divisional applications under 37 C.F.R. §1.53(d))

Address to:  <b>Assistant Commissioner for Patents Box CPA Washington, D.C. 20231</b>	Attorney Docket No. of Prior Application	<b>407J-962900US</b>
	First Named Inventor	<b>TING, Kang</b>
	Examiner Name	<b>Vanessa L. Ford</b>
	Group/Art Unit	<b>1645</b>
	Express Mail Label No.	<b>EV 297621425 US</b>

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. §1.53(d),  
(continued prosecution application (CPA)) of prior application No. 09/412,297,  
filed on October 5, 1999, entitled NELL-1 ENHANCED BONE MINERALIZATION

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. §1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. §154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. §1.53(d), but must be filed under 37 C.F.R. §1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. §1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. §1.78(a).

- ☐ Enter the amendment previously filed on \_\_\_\_\_  
under 37 C.F.R. §1.116 in the prior non provisional application.
- ☐ A preliminary amendment is enclosed
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application: \_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- ☐ Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (d))	7-20*	0	x \$ 9	=	\$ 0.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (c))	1-3**	0	x \$ 42	=	\$ 0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			+ \$ 0	=	\$ 0.00
			BASIC FEE (37 C.F.R. § 1.16)		\$ 750.00
			Total of above Calculations =		\$ 750.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. § 1.9, 1.27 & 1.28)					\$ 375.00
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =		\$ 375.00

6. Small entity status:

a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.

b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.

c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. **50-0893**:

a. ☒ Fees required under 37 C.F.R. § 1.16.

b. ☒ Fees required under 37 C.F.R. § 1.17.

c. ☒ Fees required under 37 C.F.R. § 1.18.

8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.


9. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
 (Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)

10. a. ☐ Receipt for Facsimile Transmitted CPA (PTO/SB/29A)

b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

11. ☒ Other: Response Accompanying CPA, Copy of Declaration of Dr. Kang Ting including an Exhibit

**NOTE:** The prior applications correspondence address will carry over to this CPA  
**UNLESS** a new correspondence address is provided below.

12. NEW CORRESPONDENCE ADDRESS			
<input checked="" type="checkbox"/> Customer Number or Bar Code Label	 <b>22798</b> PATENT TRADEMARK OFFICE		or <input type="checkbox"/> New correspondence address below
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

**13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Christopher C. Sappenfield
Signature	<i>Chris Sappenfield</i>
Registration No. (Attorney/Agent)	45,075
Date	Apr: 24, 2003

**CERTIFICATE OF EXPRESS MAILING under 37 CFR 1.10**

Express Mail Label No.	EV 297621425 US	Date of Deposit	April 24, 2003
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.			
Signature	<i>Deborah Berwick</i>		
Typed Name of Person Mailing Paper or Fee	Deborah Berwick		



"Express Mail" Label No.  
EV 297621425 US

Date of Deposit  
April 24 2003

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above, addressed to: Assistant Commissioner for Patents, Washington, Box CPA, D.C. 20231

to: Deborah Berwick

Deborah Berwick

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kang Ting

Application No.: 09/412,297

Filed: October 05, 1999

For: NELL-1 ENHANCED BONE  
MINERALIZATION

Examiner: Vanessa L. Ford

Art Unit: 1645

**RESPONSE ACCOMPANYING  
CONTINUED PROSECUTION  
APPLICATION (CPA)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**INTRODUCTORY COMMENTS**

Dear Sir:

In response to the Final Office Action (hereinafter, Action) mailed June 18 2002, Applicants respectfully request reconsideration of the above-identified application in view of the following remarks below.

The following correspondence is submitted herewith:

- (a) A petition to extend the period for response for 2 months, which period is calculated from the filing date of the Notice of Appeal on December 24, 2002;
- (b) A Declaration of Dr. Kang Ting under 37 U.S.C. § 1.131 with an accompanying Exhibit;
- (c) A transmittal sheet; and
- (d) A receipt indication postcard.

RECEIVED  
MAR 01 2003  
FBI-NEW YORK